

**BEFORE THE ARIZONA STATE BOARD
OF OCCUPATIONAL THERAPY EXAMINERS**

In the Matter of:

SUSAN NESBIT

**Holder of Occupational Therapy License
No. 4090,**

Respondent.

Complaint No. 09-OT-4090

**NOTICE OF HEARING
AND COMPLAINT**

Pursuant to A.R.S. §§ 32-3404 (A)(5), 32-3442 (K) and 41-1092.07, the Arizona State Board of Occupational Therapy Examiners ("Board") will conduct an administrative hearing¹ at the following time and place, to determine whether grounds exist to revoke or take other action regarding License No. 4090 held by Susan Nesbit ("Respondent").

**1:30 P.M., January 20, 2009
Arizona State Board of Occupational Therapy Examiners
4205 N. 7th Avenue, Ste. 305
Phoenix, Arizona 85013**

Pursuant to A.R.S. §§ 41-1092.07(B) and (D), Respondent has the right to be represented by counsel or to proceed without counsel, to submit evidence, and to cross-examine witnesses at hearing. If, after the hearing, the Board determines that Respondent has committed an act of unprofessional conduct it may do any of the following in any combination and for any period of time it determines is necessary: suspend or revoke the licenses, censure Respondent, place Respondent on probation, and impose a civil penalty of not less than \$250.00 and not more than \$10,000.00 for each violation. A.R.S. § 32-3442 (K). The Board requests that Respondent answer

¹ Those individuals requesting special accommodations shall notify Mary Wilson at the Board at 602-542-1832 prior to the date of the hearing with as much advance notice as possible in order to enable the Board to provide reasonable accommodations.

1 this Complaint in writing within 20 days of the date of the Complaint. If Respondent
2 fails to appear for the hearing, the matter will proceed in her absence.

3 **JURISDICTION**

4 The Board has jurisdiction over Respondent's license pursuant to A.R.S. § 32-
5 3401 *et seq.* to impose disciplinary sanctions for violations of A.R.S. § 32-3401 *et*
6 *seq.* and the rules promulgated by the Board relating to Respondent's professional
7 practice as a licensed occupational therapist. The Board's proceeding with this
8 Complaint and Notice of Hearing is authorized under A.R.S. § 32-3442.

9 **FACTUAL ALLEGATIONS**

10 1. Respondent is the holder of License No. 4090 for the practice of
11 occupational therapy.

12 2. From April 7, 2009 to June 7, 2009 Respondent was employed by
13 Achievement Therapy Services (ATS) to provide occupational therapy services as
14 defined in A.R.S. 323401.8 including performing and documenting initial evaluations
15 of clients, establishing treatment plans, providing or directing the providing of
16 occupational therapy services, preparing and updating notes on the status of clients
17 and in the event of disassociation with ATS preparing discharge summaries for
18 clients.

19 3. Between April 7, 2009 and June 2, 2009 Respondent provided services
20 to clients R.S., L.B., C.B., A.B., Z.P., P.L., L.B. and K.B.

21 4. On July 17, 2009 Respondent informed ATS that her last day of
22 employment with ATS would be on August 21 or 22, 2009.

23 5. Prior to receiving Respondent's notice of disassociation ATS had
24 requested on June 8, June 19, July 3, July 9 and July 10, 2009 that Respondent
25 provide evaluation reports and quarterly status reports on clients R.S., L.B., C.B.,
26 A.B., Z.P., P.L., L.B. and K.B. which had not been provide by Respondent and were

1 late.

2 6. After receiving Respondent's notice of disassociation ATS requested
3 that Respondent provide the late evaluation reports, late quarterly status reports and
4 discharge summaries on clients R.S., L.B., C.B., A.B., Z.P., P.L., L.B. and K.B.

5 7. On August 22, 2009 Respondent personally returned to ATS the client
6 files for R.S., L.B., C.B., A.B., Z.P., P.L., L.B. and K.B. which files did not contain
7 the requested client evaluations, quarterly status reports and discharge summaries of
8 these clients.

9 8. Respondent has never provided to ATS any initial evaluations,
10 treatment plans, status reports or discharge summaries for clients R.S., L.B., C.B.,
11 A.B., Z.P., P.L., L.B., and K.B.

12 CHARGES

13 1. The conduct and circumstances described in paragraphs 2 through 8
14 constitute a violation of A.R.S. § 32-3442 (K), 32-3401 (8) and 32-3401 (10) (l).

15 2. The conduct and circumstances described in paragraphs 2 through 8
16 constitute a violation of A.R.S. § 32-3442 (K), 32-3401 (8) and 323401 (10) (q).

17 3. The conduct and circumstances described in paragraphs 2 through 8
18 constitute a violation of A.R.S. § 32-3442 (K), 32-3401 (8) and 32-3401 (10) (u).

19 4. The conduct and circumstances described in paragraphs 2 through 8
20 constitute a violation of A.R.S. 32-3442 (K), 323401 (8) and 32-3401 (10) (y).

21 DATED this __8th__ day of _December,_ 2009.

22 ARIZONA STATE BOARD OF
23 OCCUPATIONAL THERAPY EXAMINERS

24
25 By: _____
26 Wendy H. Hammon, Executive Director

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3 **ORIGINAL** of the foregoing filed
4 this _8th_ day of _December,___ 2009, with:

5 Arizona State Board of Occupational Therapy Examiners
6 4205 N. 7th Ave., Suite 305
7 Phoenix, Arizona 85013

8 **COPY** of the foregoing mailed this
9 _8th_ day of _December,___ 2009, by
10 certified mail no. 7008 1140 0004 8342 8624_ to:

11 Susan Nesbit
12 155 E. 108th Street, #2B
13 New York, NY 10029
14 Respondent

15 **COPY** of the foregoing mailed this
16 _8th _ day of _December,___ 2009, to:

17 Montgomery Lee
18 Assistant Attorney General
19 1275 W. Washington CIV/LES
20 Phoenix, Arizona 85007

21 By:_____
22 Doc. #450546
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